

III. REMARKS

1. Claims 12, 13, 15, 20, and 51-115 remain in the application. Claims 21-41 have been withdrawn from consideration, claims 1-11, 14, 16-19, 42-50, and 113 have been cancelled, and claims 116 and 117 have been added. Claims 12, 20, 52-60, 70, 72, 75, 85-89, 91, 92, 94-100, 103, 104, 109-112, 114, and 115 have been amended.

2. Applicants respectfully submit that claims 51, 59, 60, 70-72, 85, 86, and 109-112 are not anticipated by Forslow (US 2003/0039237) under 35 USC 102(e).

Claims 51, 59, 60, 70-72, 85, 86, and 109-112 depend from claims 114 or 115.

Forslow fails to disclose or suggest an application execution environment for allowing the use of different applications in the mobile terminal and assuring compatibility between the mobile terminal and application programs provided by a manufacturer of the mobile terminal or third party manufacturers, as recited by claims 114 and 115.

Forslow also fails to disclose or suggest operating the application execution environment to gather from the application program a set of requirements for the bearer service to be used in communication between the application program and the mobile network and to perform bearer service negotiation with the mobile network on the basis of the gathered set of requirements in order to select a bearer service for use in communication between the application program and the mobile network, as substantially recited by claims 114 and 115.

According to the presently amended claim 114 the application execution environment now includes the following features: 1) it allows the use of different applications in the mobile terminal and 2) assures compatibility between the mobile terminal and the applications. Although the application execution environment is a program which can be run by a CPU it also has some controlling role in the mobile terminal. It has at least some control over applications which can be installed and run in the mobile terminal. The application execution environment also assures that programs to be run in the mobile terminal are compatible with the mobile terminal. In other words, the application execution environment provides some kind of interface between the application and the mobile terminal. Further, as was already mentioned in the previous response, *"the application execution environment gathers from applications requirements for the bearer service to be used in the communication between the application and the mobile network."* The application execution environment uses the gathered information to negotiate with the mobile network for selecting the bearer service for the communication.

The mapper of Forslow has nothing to do with the execution of applications in the mobile terminal or with the compatibility of applications with the mobile terminal. The mapper only performs a mapping between parameters relating to the requested Quality of service and parameters of the selected bearer service. Paragraph [0027] of Forslow states *"...applications running on a mobile station or on an external network entity may specify on an individual application flow basis a requested quality of service, and with this information, select the type of bearer to be employed when transferring the application flow...Both the quality of service characteristics for an application flow*

and the type of bearer/transfer mechanism can be selected at the application layer which is advantageous because the application has the best end-to-end perspective of the communication" (emphasis added). This paragraph even suggests that the application selects at least the type of the bearer, although Forslow also discloses that the mapper can perform the selection between two alternative bearers.

Paragraph [0028] of Forslow discloses "The mobile station and a mobile network gateway node each include a mapper for mapping individual application flows to one of the circuit-switched network and the packet-switched network bearers depending on the quality of service requested for an individual application flow." Further, paragraph [0076] discloses that calls originating from the mobile station, selections of network and network bearer for application flows originating from the mobile station are made by the mobile's mapper. There is no indication in Forslow that the mapper could have something to do with the execution of the applications. The mapper only receives information from the applications relating to the Quality of Service parameters to map them to parameters of the selected bearer service.

At least for these reasons, Forslow fails to anticipate claims 51, 59, 60, 70-72, 85, 86, and 109-112.

3. Applicants respectfully submit that claims 12, 13, 15, 20, 52-58, 61-69, 73-84, 87-108, 114, and 115 are patentable over the combination of Forslow and Olofsson et al. (US 6,647,265 "Olofsson") under 35 USC 103(a).

Claims 12, 13, 15, 20, 52-58, 61-69, 73-84, and 87-108 depend from claims 114 or 115.

Olofsson fails to disclose or suggest the features of claims 114 and 115 missing from Forslow as argued above. Olofsson relates to admission control of multiple adaptive and elastic applications. Olofsson discloses that a service provider and a communication unit can perform a bearer service negotiation in which it is attempted to match user requirements with bearer capabilities. An application running in the communication unit provides parameters for the bearer. Then a request for a bearer is transmitted to the network which analyses the parameters and tries to find an appropriate bearer. If a candidate for an appropriate bearer is found, the bearer matching function in the network tries to match the bearer with the requested parameters. If the matching is successful, information of the bearer is transmitted from the network to the communication unit in which the application is informed accordingly. On the other hand, if no candidates for an appropriate bearer is found, or the matching is not successful, information of the failure of the bearer selection is transmitted from the network to the communication unit and the application is informed on unsuccessful selection of the bearer. Olofsson is silent regarding an application execution environment corresponding to the specified definition in amended claim 114. Further, the selection and matching of the bearer is performed in the network, not in the communication unit.

At least for these reasons, Applicants respectfully submit that the combination of Forslow and Olofson does not render claims 12, 13, 15, 20, 52-58, 61-69, 73-84, 87-108, 114, and 115 unpatentable.

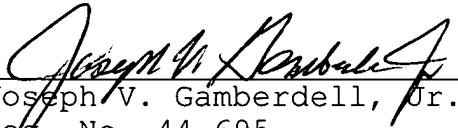
4. Claims 116 and 117 are new and depend from claims 114 and 115 respectively. Therefore claims 116 and 117 are also patentable over the cited art.

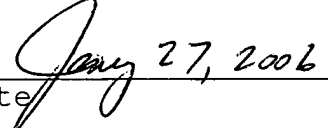
For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$1,810.00 is enclosed for a three (3) month extension of time (\$1020), and the Request for Continued Examination fee (\$790.00).

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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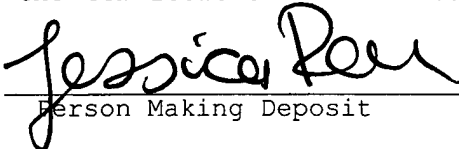

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